

### **REMARKS**

This is a response to the Non-Final Office Action mailed on April 29, 2008.

Reconsideration of the application in light of the following remarks is respectfully requested.

#### **Status of the Claims**

Claims 1-13 are pending.

Claims 1-13 have been amended without the introduction of new matter.

#### **Rejection Under 35 U.S.C. § 112**

Claims 1-13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1-13 have been amended so as to address the Examiner's rejections. Withdrawal of the rejections is respectfully requested.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1-13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,637,373 to Shirai et al. ("Shirai").

Shirai discloses an oven with long holes 28 and 30. As can be seen in Figs. 3 and 4, the long holes 28 and 30 are horizontal.

In contrast, claim 1 recites a pair of rails "each rail comprising a horizontal first extension, . . . and a second extension, connected to the horizontal first extension *and upwardly inclined towards the front opening* and along which the at least one shelf is displaced between the at least one shelf's operative and parallel loading positions." (Emphasis added). Thus, the at least one shelf can be manually displaced to a loading position in which it is elevated and outwardly

displaced in relation to the operative position. Shirai discloses long holes 28 and 30 that are solely horizontal. Thus, Shirai fails to disclose “a second extension, connected to the horizontal first extension and upwardly inclined towards the front opening,” as recited in claim 1. Accordingly, Shirai fails to anticipate claim 1 or its dependent claims. Applicants respectfully request withdrawal of the rejections.

**CONCLUSION**

Each and every point raised in the Office Action dated April 29, 2008 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 1-13 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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